

ESTTA Tracking number: **ESTTA549064**

Filing date: **07/17/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91211248
Party	Defendant Metagenics, Inc.
Correspondence Address	METAGENICS, INC. METAGENICS, INC. 25 ENTERPRISE STE 200 ALISO VIEJO, CA 92656-2709  jenniferpence@metagenics.com
Submission	Motion to Amend Application
Filer's Name	Jennifer Pence
Filer's e-mail	jenniferpence@metagenics.com
Signature	/Jennifer Pence/
Date	07/17/2013
Attachments	Motion to Amend Goods.pdf(61210 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ARES TRADING, S.A.,	)	
	)	
Opposer,	)	
	)	
v.	)	
	)	Opposition No. 91211248
METAGENICS, INC.,	)	
	)	
Applicant.	)	

**MOTION TO AMEND GOODS IN OPPOSED APPLICATION, UPON CONSENT**

Applicant, Metagenics, Inc. ("Metagenics"), submits this motion to amend the goods in its opposed application upon the consent of Opposer, Ares Trading S.A.

Metagenics requests that the goods in the opposed application be amended to set forth limitations. Their amended form is "dietary supplements, namely, dietary and herbal supplements for promoting a positive mood and relaxed state, not sold under prescription".

Metagenics also requests the following:

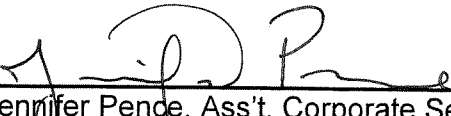
1. The all action in this proceeding be suspended while the Trademark Trial and Appeal Board is considering the amendment; and,
2. That this proceeding be dismissed only upon acceptance of the amendment. Should the amendment not be accepted, then this proceeding shall continue.

Opposer, through its counsel Robert B.G. Horowitz, Esq., has consented to this motion in writing.

Respectfully submitted,

METAGENICS, INC.

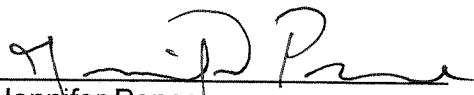
Dated: July 17, 2013

By:   
Jennifer Pende, Ass't. Corporate Secretary  
25 Enterprise, Suite 200  
Aliso Viejo, California 92656

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing MOTION TO AMEND GOODS IN OPPOSED APPLICATION was served electronically upon counsel for Opposer, Robert B.G. Horowitz, Esq., this 17th day of July, 2013, with his consent, to:

rhorowitz@bakerlaw.com

  
Jennifer Pence